

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Serafim Bochkarev

Serial No. 10/611,421

Confirmation No. 2574



Group Art Unit: 2625

Filed: July 2, 2003

Examiner: Madeline Anh Vinh NGUYEN

For: METHOD AND APPARATUS OF ADJUSTING IMAGE TONE AND GRAPHIC USER
INTERFACE FOR THE SAME

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was included on page 3, item 4, of the Notice of Allowability mailed with the September 22, 2008 Notice of Allowance.

With regard to statements of reasons for allowance, MPEP §1302.14 states in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

In the statement of reasons for allowance, the Examiner characterizes certain features of identified claims.

It is submitted that the Examiner's statement may not be an accurate quote with respect to each of the allowed claims. It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of the same, as the claims provide their own best evidence as to the reasons for allowance.

In summary, the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 17, 2008

By: 

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